IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 21012 of 2004

Between:

C. Ramalinga Reddy, S/o. Basavanna Goud,
R/o. Bapuram Village, Halaharvi Mandal,
Kurnool District.

... PETITIONER

AND

1 The District Collector, Kurnool.
2 The Revenue Divisional Officer, Adoni, Kurnool.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not referring our matter to the Civil Court U/s. 18 of the Land Acquisition Act despite the endorsement made by the Hon'ble Minister for Irrigation, Govt. of A.P. and the Collector on the representation of the petitioner dt. 29-5-2004 is highly illegal, arbitrary, and unjustifiable and violative of Articles 14, 19 (1)(g) of the Constitution of India and direct the respondents to take action forthwith and refer our matter to the Civil Court U/s. 18 of the L.A. Act.

Counsel for the Petitioner: MR.B.PURSHOTHAM REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for petitioner and

also the learned Government Pleader for respondents.

2. Petitioners' lands were acquired in the year 1995 and award was passed on 03-12-1996 vide Award No. 3/96 dated 03-12-1996. On service of 12(2) notice dated 16-01-1997, petitioners received compensation on 26-01-1997 and made representations on 15-03-1997 for referring the matter to the Civil Court under Section 18 of the Land Acquisition Act (for short 'the Act') to determine the correct value of the lands that were acquired. Complaining inaction on the part of the respondents in referring the matter to the Civil Court, the present writ petition has been filed.

2. Once an application is filed to refer the matter to the Civil Court under Section 18 of the Act, the Land Acquisition Officer is bound to refer the matter to the Civil Court, but he cannot sit over the representations if they are otherwise filed within time as contemplated under Section 18 of the Act. It is evident that representations were filed within time.

3. In view of the same, the respondent Land Acquisition Officer is hereby directed to forthwith refer the matter to the Civil Court under Section 18 of the Act after due intimation to the petitioners.

The writ petition is accordingly disposed of.

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A. **GOPAL REDDY, J**

November 17, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The District Collector, Kurnool.
2 The Revenue Divisional Officer, Adoni, Kurnool.

3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4 Two C.D. Copies.